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March 27, 2020

VIA ECF AND E-MAIL

The Honorable Michael A. Hammer
U.S. Magistrate Judge
United States District Court
District of New Jersey
Martin Luther King Building
U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *United States v. Matthew Goettsche, et al.*, Case No. 19-cr-877-CCC (D.N.J.)

Dear Judge Hammer:

Please accept this letter in lieu of a more formal motion on behalf of Jobadiah Sinclair Weeks to provide supplemental authority in support of his Motion for Temporary Release Pursuant to 18 U.S.C. § 3142(i) (D.E. 68).

Orders Granting Release based on Coronavirus-related Issues on Coronavirus-related Issues

- *United States v. Perez*, Case No. 1:19-cr-297 (Dkt. No. 62) (S.D.N.Y. Mar. 19, 2020) (releasing defendant pursuant to 18 U.S.C. § 3142(i) because of the “heightened risk of dangerous complications should he contract COVID-19” due to “serious progressive lung disease and other significant health issues” despite defendant’s past history of flight and danger to the community) (*Exhibit A*).

- *United States v. Fellela*, Case No. 3:19-cr-79 (JAM), 2020 WL 1457877, at *1 (D. Conn. Mar. 20, 2020) (releasing defendant pursuant to 18 U.S.C. § 3143(a)(1) and recognizing that “[f]light would be enormously more risky and complicated in light of the travel and commercial restrictions brought on by the COVID-19 virus”) (*Exhibit B*).
- *United States v. Harris*, Case No. 1:19-cr-00356-RDM (Dkt. 35) (D.D.C. Mar. 26, 2020) (releasing defendant, pursuant to 18 U.S.C. § 3142(i), who pled guilty to one count of distribution of child pornography; citing “palpable” risk of spread in jail of COVID-19 given the “risk of transmission posed by large gatherings,” defendant being “housed in a unit with dozens of other detainees and inmates,” the “real” risk of “overburdening the jail’s healthcare resources,” and “the healthcare resources of the surrounding community”) (*Exhibit C*).
- *Xochihua-James v. Barr*, Case No. 18-71460 (Dkt. 54-1) (9th Cir. Mar. 23, 2020) (*sua sponte* releasing immigration detainee from detention “in light of the rapidly escalating public health crisis”) (*not* pursuant to 18 U.S.C. § 3142(i)) (*Exhibit D*).
- *Calderon Jimenez v. Cronen*, Case No. 1:18-cv-10225-MLW (Dkt. No. 507) (D. Mass. Mar. 26, 2020) (releasing immigration detainee due to the enhanced risk detention presents “in the midst of a coronavirus pandemic”) (*not* pursuant to 18 U.S.C. § 3142(i)) (*Exhibit E*).

Change in Circumstances at Essex County Correctional Facility (“ECCF”)

- As of March 25, 2020, two ECCF correctional officers have tested positive for COVID-19. (See *Exhibit F*, *More Coronavirus at Essex County Prison; Activists Keep Up Outcry*, Patch.com (Mar. 25, 2020)).

- As of March 26, 2020, an immigrant detainee at ECCF tested positive for COVID-19. (See *Exhibit G*, *Second ICE detainee in New Jersey tests positive for coronavirus*, NorthJersey.com (Mar. 26, 2020)).
- On March 26, 2020, two immigrant detainees were released from ECCF because of their chronic medical conditions—one has asthma—and risk of exposure to COVID-19 due to other detainees or staff testing positive for the virus at ECCF. (See *Exhibit H*, *Judge frees ICE detainees after coronavirus hits New Jersey jails*, New York Post (Mar. 27, 2020); *Basank v. Decker*, Case No. 1:20-cv-02518-AT (Dkt. 11) (S.D.N.Y. Mar. 26, 2020) (*Exhibit I*)).

Examples of Life-Threatening COVID-19 Cases in Patients with Asthma

- In New York City, a 34-year-old woman with previously well-controlled asthma is now sedated in the Intensive Care Unit from coronavirus complications. (See *Exhibit J*, *An asthmatic NYC paramedic in critical condition from COVID-19*, Insider (Mar. 25, 2020)).
- A 44-year-old man with exercise-induced asthma is suffering from coronavirus complications and is also sedated in the Intensive Care Unit in New York. (See *Exhibit K*, *Above the Law founder David Lat is put on a ventilator after COVID-19 diagnosis*, ABA Journal (Mar. 23, 2020)).

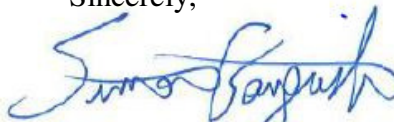
Letter of Support

- Letter of Support from Stephanie Weeks (*Exhibit L*).

Conclusion

For the reasons articulated in his Motion (D.E. 68), Mr. Weeks respectfully moves the Court for his temporary pretrial release on conditions pursuant to 18 U.S.C. § 3142(i).

Sincerely,

A handwritten signature in blue ink, appearing to read "Simon A. Gaugush".

Simon A. Gaugush
Michael L. Yaeger

cc: All counsel of record (via ECF)
U.S. Pretrial Services Officer Elizabeth Auson (via e-mail)